

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

ERIKA R. FRICK (CSBN 208150)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6973
Facsimile: (415) 436-7234
Email: erika.frick@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JORGE MAGANA-ALVARADO,)
)
Defendant.)

No. CR 07-0379 SI

[PROPOSED] ORDER AND
STIPULATION EXCLUDING TIME
FROM FEBRUARY 29, 2008 TO MAY 23,
2008 FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C.
§ 3161(h)(8)(A) & (B)(iv))

The parties appeared before this Court in the above-captioned case on February 29, 2008, March 28, 2008, April 18, 2008, and May 23, 2008. With the agreement of the parties, and with the consent of the defendant, the Court enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv), from February 29, 2008 to May 23, 2008. The parties agreed, and the Court found and held, as follows:

1. On February 29, 2008, the parties appeared before this Court for an initial appearance on the indictment in the above-captioned case. On that date, the parties agreed to an exclusion of time under the Speedy Trial Act from February 29, 2008 to March 28, 2008, in order to allow the

STIPULATION AND [PROPOSED] ORDER
CR 07-0379 SI

1 parties to exchange discovery and for effective preparation of counsel. On March 28, 2008, the
2 parties appeared again and agreed to an exclusion of time from March 28, 2008 to April 18,
3 2008. On April 18, 2008, the parties appeared again and agreed to an exclusion of time from
4 April 18, 2008 to May 23, 2008. Each of those exclusions was necessary to allow for further
5 discovery and effective preparation of counsel. Failure to grant the requested continuances
6 would have unreasonably denied both government and defense counsel reasonable time
7 necessary for effective case preparation because the parties were still engaged in discovery, case
8 discussions, and plea negotiations. See 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

9 2. At each of the above-described court appearances, this Court found that the ends of
10 justice served by excluding the time periods described above (collectively, from February 29,
11 2008 to May 23, 2008) outweighed the best interest of the public and the defendant in a speedy
12 trial. Accordingly, and with the consent of the defendant, the Court ordered that the period from
13 February 29, 2008 to May 23, 2008 be excluded from Speedy Trial Act calculations under 18
14 U.S.C. § 3161(h)(8)(A) & (B)(iv).

15 3. On May 23, 2008, the parties appeared before this Court, and the defendant entered an
16 open guilty plea admitting to the sole count in the above-captioned indictment.

17 4. Accordingly, the parties respectfully request that the Court also order that the period
18 from February 29, 2008 to May 23, 2008 be excluded from Speedy Trial Act calculations under
19 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

20 4. The Court scheduled a sentencing hearing for August 22, 2008, at 11 am.

21 IT IS SO STIPULATED.

22
23 DATED: _____

/s/
ERIKA R. FRICK
Assistant United States Attorney

24
25
26 DATED: _____

/s/
STEVE KALAR
Attorney for Jorge Magana-Alvarado

[PROPOSED] ORDER

With the agreement of the parties, and with the consent of the defendant, the Court enters this order documenting the exclusion of time from 3161(h)(8)(A) & (B)(iv), under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), & (B)(iv).

IT IS SO ORDERED.

DATED: _____



THE HON. SUSAN ILLSTON
United States District Judge